

## **Remarks**

### **1. Summary of Office Action**

In the final Office Action mailed March 28, 2008, the Examiner rejected claims 1-9, 13, and 26-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,751,475 (hereinafter "Holmes"). Further, the Examiner rejected claims 10 and 14 as being obvious over a combination of Holmes and U.S. Patent Application Pub. No. 2002/0094829 (hereinafter "Ritter").

In the Office Action, the Examiner indicated that claims 35 and 39 were rejected for the same reasons as set forth in claims 10 and 14, respectively (Office Action, page 6), thus Applicants assume that claims 35 and 39 were rejected on grounds of obviousness (rather than anticipation) over Holmes in combination with Ritter.

### **2. Amendments to the Claims**

Applicants have cancelled claims 10, 35 and 39, and amended claims 1, 9, 14, 26, and 34 to recite the invention more particularly.

Presently pending in this application are claims 1-9, 13, 14, and 26-34, of which claims 1 and 26 are independent and the remainder are dependent.

### **3. Response to §102 Rejections**

As noted above, the Examiner rejected claims 1-9, 13, and 26-34 as being anticipated by Holmes. Applicants respectfully traverse the rejections of those claims, because Holmes fails to disclose or suggest each and every element of any of those claims, as would be required to establish an anticipation rejection under M.P.E.P. § 2131.

As now amended, independent claim 1 for instance, recites a method comprising:

(i) providing a docking apparatus coupled to interface with a vehicle, (ii)

communicatively coupling a remote communications device to the docking apparatus, wherein the remote communications device does not include a telematics functionality module, and (iii) the docking apparatus communicating with the remote communications device to include the telematics functionality module in a memory of the remote communications device, including: (i) the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location. (Emphasis added). (Independent claim 26 now recites similar limitations. Further, the dependent claims each depend from claim 1 or 26, and therefore necessarily include the limitations of a respective independent claim).

Holmes teaches a mounting unit that merely provides an interface, such as data pins, for connecting to and communicating data between a vehicle and a wireless device (see Figure 3, elements 23 and 58(1e)). At best, in Holmes, the mounting unit communicates a vehicle identification number (VIN) from a vehicle control unit to the wireless device.

Holmes, however, does not disclose or suggest any arrangement that operates according to the claimed invention involving, *inter alia*, “communicatively coupling a remote communications device to the docking apparatus, wherein the remote communications device does not include a telematics functionality module”, and further “the docking apparatus communicating with the remote communications device to include the telematics functionality module in a memory of the remote communications device, including: (i) the docking apparatus downloading the telematics functionality

*module into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location.”*

Advantageously, in accordance with the presently claimed invention, when a remote communications device that does not include a telematics functionality module is communicatively coupled to a docking apparatus, the docking apparatus may communicate with the remote communications device to include the telematics functionality module in a memory of the remote communications device. This way, the remote communications device may be enabled with the telematics functionality.

In one embodiment, the docking apparatus may, e.g., directly download the telematics functionality module into the memory of the remote communications device. In another embodiment, the docking apparatus may instead communicate a download location to the remote communications device such that the device can then download the telematics functionality module into the memory from that download location.

Because Holmes does not teach or suggest the invention as recited in any of claims 1-9, 13, and 26-34, Holmes fails to anticipate these claims under 35 U.S.C. § 102.

#### **4. Response to §103 Claim Rejections**

The Examiner rejected claims 10 and 14 on grounds of obviousness over a combination of Holmes and Ritter. As noted in the Office Action, claims 35 and 39 were rejected on the same grounds as claims 10 and 14, respectively. Claims 14, 35 and 39 have been canceled, thus rendering the rejections of those claims moot. Further, Applicants respectfully traverse the rejections of the remaining claims, because the cited

combination fails to disclose or suggest every element of any of these claims, as would be required to establish a *prima facie* case of obviousness under M.P.E.P. § 2143.

As discussed above, Holmes fails to teach or suggest the invention as recited in the independent claims. Further, Applicants respectfully submit that Ritter fails to make up for the deficiencies in Holmes noted above.

At best, Ritter teaches a system in which in-vehicle transceivers wirelessly communicate data to portable terminals of vehicle passengers. For example, a transceiver can transmit tourist information, music, and DVB programs to a passenger's portable terminal. (*See, e.g.*, Ritter, Abstract and paragraphs 0038-0043).

But Ritter, like Holmes, fails to teach or suggest any vehicle system in which specifically: ***a docking apparatus*** communicatively coupled to a remote communications device that does not include a telematics functionality module *communicates with the remote communications device to include the telematics functionality module in a memory of the remote communications device, including: (i) the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location.*

Because the cited combination fails to disclose or suggest all of the claimed limitations, the cited combination fails to render the pending claims obvious under 35 U.S.C. § 103.

**5. Conclusion**

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of those claims.

Respectfully submitted,

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